

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
EZRA BAPTIST, JULIET PEARCE, MARGARET LEWIS, JAMIE SANIN, CAROLYN LECHUSZA AQUALLO, and CHELSEA VILLALBA, on their own and on behalf of a class of similarly situated individuals who suffered excessive force during their unlawful arrests, and MICHELLE RIDDELL, on her own and on behalf of a class of similarly situated individuals unlawfully arrested,

Plaintiffs,

vs.

DARRELL P. WHEELER in his individual capacity, SHERIFF JUAN FIGUEROA, in his individual capacity, OLIVIA BCHOR and THOMAS BRUSCA, as representatives of a defendant class of New York State Police Officers who violated plaintiffs' rights as set forth herein and who are sued in their individual capacities, DEPUTY SHERIFF HARDER, as a representative of a defendant class of members of the Ulster County Sheriff's Office who violated plaintiffs' rights as set forth herein and who are sued in their individual capacities, PO J. YUKOWEIC, Shield No. 16, as a representative of the class of members of the New Paltz State University Police who violated plaintiffs' rights as set forth herein and are sued in their individual capacities,

Defendants.  
-----X

**NOTICE OF MOTION**

Docket No. 24 Civ. 1478 (AMN)(TWD)

**PLEASE TAKE NOTICE** that, upon the Attorney's Declaration of Mark A. Radi and the exhibit annexed thereto; the accompanying *Memorandum of Law in Support of Defendants' Motion to Dismiss*; and upon all pleadings and proceedings heretofore had herein, Defendants SHERIFF JUAN FIGUEROA and SGT. JAMES HARCHER, s/h/a DEPUTY SHERIFF HARDER, will move this Court before the Honorable Anne M. Nardacci at the United States District Court for the Northern District of New York, on a date and time to be determined by the


Court, for an Order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing this action as against Sheriff Juan Figueroa and Sgt. James Harcher with prejudice, together with such other and further relief as this Court deems just, equitable, and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Northern District of New York's Local Rules of Practice 7.1, answering papers shall be served by April 25, 2025.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Northern District of New York's Local Rules of Practice 7.1, reply papers, if any, shall be served and filed by May 2, 2025.

Dated: Carle Place, New York  
April 4, 2025

SOKOLOFF STERN LLP  
*Attorneys for Defendants Sheriff Juan  
Figueroa and Sgt. James Harcher*

By:   
\_\_\_\_\_  
Mark A. Radi  
179 Westbury Avenue  
Carle Place, New York 11514  
(516) 334-4500  
File No.: 240544

TO:

SUSSMAN & GOLDMAN  
*Attorneys for plaintiffs*  
1 Railroad Ave., 3<sup>rd</sup> Floor  
P.O. Box 1005  
Goshen, NY 10924